

Attorney Docket No. P64765US1
Serial No. 09/779,461

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- c) a detector (42) for detecting emission radiation (30) that stems from the measurement volume (26), and
 - d) an opaque means (44) positioned in the pathway (32) of the emission radiation (30) or excitation radiation (14) for erasing the central part of the emission radiation (30) or excitation radiation (14).

REMARKS

A new abstract is provided hereby - attached hereto as a separate page - as required in the Office Action.

The specification is amended to insert a subject heading.

A proposed drawing correction, as required in the Office Action, is submitted concurrently herewith as a separate paper.

Claims 38-56, submitted hereby in place of claims 18-37, are pending.

Claim 38 corresponds to claim 18, revised by changing "said probability distributions" to read --said *theoretical* probability distributions-- and by changing "functions of apparent concentrations and apparent brightness which depend on the width of the counting time interval" to read --functions of apparent concentrations and apparent brightness which depend on the *widths* of the counting time intervals in the different sets--.

Claim 43 corresponds to claim 19, revised to be dependent on claim 22 (present claim 42), instead of claim 18 (present claim 38). Claim 43 also adds "and *T* denotes the width of the counting time interval" to the end of claim 19, as found in the specification at the top of page 6, text between formulas 2 and 3, and at page 11, last paragraph, and in original claim 2.

Claim 50 corresponds to claim 30, revised by replacing the mathematical formula with the formula for " $G_{P(n)}(\xi)$."

Claim 49 corresponds to claim 29, revised to insert the missing mathematical formula for "*G*," i.e., which is in original claim 11.

Present claims 39-42, 44-48, and 51-56 correspond to claims 20-28 and 31-34, 36, and 37, respectively, revised to reflect changes in claim dependency.

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With respect to claims' objection No. 7(a), "said theoretical distributions" is replaced by --said theoretical probability functions --. Regarding No. 7(b), the formula for "R" in claim 30 is replaced by the formula for $G_{P(n)}(\xi)$ in claim 50.

Claims' objection No. 8 maintains, *inter alia*, the allegation that dependent claim 27 recites a limitation which has already been recited in claim 18 (lines 12 – 14) and thus fails to further limit the subject matter of the previous claim. The allegation is incorrect. In claim 18 (and present claim 38), the variable appears as "**n**," i.e., in bold face; which, in accordance with common mathematical practice, denotes that the variable is a vector. In contrast, in claim 27 (present claim 47) the variable appears as "n," i.e., not in bold face, which indicates that the variable is scalar.

With regard to the No. 8 objection as it relates to the "expression" in claim 27, the missing formula is added (in claim 49) after "using the expression," as in original claim 11.

The No. 8 objection as it relates to claim 35 is rendered moot by cancelling the claim, hereby.

The No. 9 claims' objection is incorrect for the same reasons explained, above, in connection with the objection to claim 27.

A proposed drawing correction, as required in the Office Action, is submitted concurrently herewith as a separate paper.

The rejection under 35 USC 112, ¶2, is overcome by the changes to the claims effected, hereby.

The rejection under 35 USC 101 against claim 35 is rendered moot by cancelling the claim hereby.

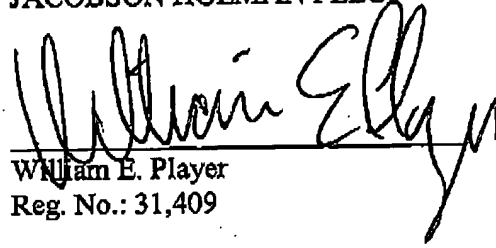
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Favorable action is requested.

Respectfully submitted,

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